

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 19, 2023**

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

MICHELLE W.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:22-cv-03088-MKD

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 11, 14**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 14, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Katherine Watson represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 14**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop  
9 the record including obtaining vocational testimony to conduct a step  
10 five analysis as needed;
- 11 • Reevaluate the medical and nonmedical opinion evidence;
- 12 • Evaluate whether Plaintiff's migraine headaches equal a listing in  
13 section 11.00;
- 14 • Reevaluate Plaintiff's residual functional capacity;
- 15 • When evaluating the testimonial and opinion evidence, the ALJ  
16 should fully comply with this Court's August 2019 Order by making  
17 sure not to provide rationale for discounting evidence the Court  
18 already found deficient; and
- 19 • Issue a new decision on the issue of disability through December 13,  
20 2016.

1 *See* ECF No. 14 at 2.

2 3. Judgment shall be entered for **PLAINTIFF**.

3 4. Plaintiff's Motion for Summary Judgment, **ECF No. 11**, is **STRICKEN**  
4 **AS MOOT**.

5 5. Upon proper presentation, this Court will consider Plaintiff's application  
6 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

7 The District Court Executive is directed to enter this Order, **enter**  
8 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

9 DATED January 19, 2023.

10 s/Mary K. Dimke  
11 MARY K. DIMKE  
12 UNITED STATES DISTRICT JUDGE  
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